

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES

333 W. COLFAX AVENUE, SUITE 400
DENVER, COLORADO 80204

AUG 7 1986

UTAH POWER & LIGHT;	:	CONTEST PROCEEDING
substituted for	:	
EMERY MINING CORPORATION,	:	Docket No. WEST 86-140-R
Contestant	:	Order No. 2833456; 4/17/86
	:	
v.	:	Wilberg Mine
	:	
SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	
Respondent	:	
and	:	
UNITED MINE WORKERS OF AMERICA,	:	
Intervenor	:	

DECISION

Appearances: John Macleod, Esq., Crowell & Moring, Washington, D.C.,
for Contestant;
Edward H. Fitch, Esq., Office of the Solicitor,
U.S. Department of Labor, Arlington, Virginia,
for Respondent;
Mary Lu Jordan, Esq., United Mine Workers of
America, Washington, D.C.,
Intervenor.

Before: Judge Morris

This case, heard under the provisions of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq., (the Act) arose from an inspection of contestant's Wilberg mine on April 17, 1986. On that date a federal mine inspector issued Order No. 2833456 under § 104 of the Act.

A hearing on the merits commenced in Denver, Colorado on May 14, 1986.

Stipulation

The parties agreed that the ruling in WEST 86-126-R would be controlling in this case (Tr. 18-20).